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April 14, 2017

VIA ELECTRONIC DELIVERY

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street S.W.
Room TWA325
Washington, DC 20554

**Re: Notice of *Ex Parte* Presentation
WT Docket No. 17-79**

Dear Ms. Dortch:

On Thursday, April 13, 2017, Michele Farquhar and Arpan Sura, Counsel to the Association of American Railroads (“AAR”),¹ spoke via teleconference with Suzanne Tetreault, Charles Mathias, Jill Springer, and Aaron Goldschmidt of the Wireless Telecommunications Bureau. The parties discussed the Commission’s efforts to remove barriers to wireless infrastructure deployment.

We urged the Commission to include railroad communications infrastructure as part of its efforts to streamline review under the National Environmental Policy Act (“NEPA”) and the National Historic Preservation Act (“NHPA”). Any streamlining reforms should apply equally to all new wireless infrastructure (e.g., Part 90 and Part 101 antennas), including Positive Train Control (“PTC”) and non-PTC poles. In particular, the Commission can accelerate timely deployment of advanced communications systems that will improve rail safety and efficiency by excluding from review most wireless communications technology and related PTC and non-PTC structures used along railroad transportation corridors, rights-of-way, and rail yards.

We also addressed the railroads’ experience under the PTC Program Comment, noting that AAR’s members continue to face excessive delays and fees during the tribal review process, which impedes the timely deployment of PTC infrastructure. In the absence of a broader exclusion along the railroad corridors, the Commission can rectify these issues by (i) adopting a shorter and more definitive deadline for the tribal review process whereby clearances are deemed granted after certain delays, and (ii) limiting the circumstances under which railroads are expected to pay tribal review fees. Additionally, the Commission should take steps to streamline the process or reduce the frequency for NEPA review of PTC poles on flood plains along railroad transportation corridors and

¹ AAR is a voluntary non-profit membership organization whose freight railroad members operate 83 percent of the line-haul mileage, employ 95 percent of the workers, and account for 97 percent of the freight revenues of all railroads in the United States. AAR members also include Amtrak, the nation’s principal intercity passenger railroad, and Metra, the primary commuter railroad serving the Chicago metropolitan area. More information on AAR is available at its website: <https://www.aar.org/Pages/Home.aspx>.

rights-of-way. This review affects a significant percentage of PTC poles and can add 3 to 6 months to the approval process.

Pursuant to Section 1.1206(b)(2) of the Commission's rules, an electronic copy of this letter is being filed in the above-referenced docket. Please contact me with any questions.

Respectfully submitted,

/s/ Michele C. Farquhar

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